ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH ROAD, SUITE 100, SCOTTSDALE, AZ 85258
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Sept. 8, 2017 Case Number: 18-18

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. EDWIN KIESEL, DVM.
Premise Name: CAMINO SECO PET CLINIC
Premise Address: 8860 E. Broadway BLVD.
City: TUCSON State: AZ Zip Code: 85710
Telephone: (520) 296-6281.

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: 4-LEGGED FRIENDS, INC.
Address: [redacted]
City: [redacted] State: [redacted] Zip Code: [redacted]
Home Telephone: [redacted] Cell Telephone: N/A

LEE R. VORK — PRESIDENT filing this complaint.

*

RECEIVED
SEP 08 2017
BY: [redacted]

C. **PATIENT INFORMATION (1):**

Name: a feline by the name of "ANGEL."

Breed/Species: black, female, cat, "feral."

Age: 1 yr 1/2 Sex: F Color: black

PATIENT INFORMATION (2):

Name: (none, specifically)

Breed/Species:

Age: Sex: Color:

D. **VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

CAMINO SECO PET CLINIC, TUCSON AZ.

SANTA CRUZ VETERINARY CLINIC, TUCSON.

E. **WITNESS INFORMATION:**

KATHY MURIS – [redacted]

ALEX VILLAUSA – [redacted] – Vice President

DIANE VILLA USA – [redacted] – Board member.

SANTA CRUZ Vet. CLINIC – Dr. NEAL (4-legged friends)

[redacted]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Lee R. York - President

Date: 9/7/2017

F. ALLEGATIONS and/or CONCERNS: Please read the attached documents, as they explain our medical situation with Camino seco pet clinic, and how it affects 4-Legged Friends.

Again; we/4-Legged Friends inc.; were working with Best friends of cats, to trap feral cats; get them fixed, shots, exam., ear tips, as we were doing with Camino seco pet clinic for almost 3 years; release them where we trapped them and then we feed those cats Holistic pet food until we can hopefully find them a home, through our 'Pets 4 Vets' Program!!

The mom cat in question, momma Angel, as she almost died, is called; was fixed by Camino seco pet clinic, and then had 8 kittens!!

They won't admit their error, and we have proved that they are lying! We also got back a kitten with herpes and were not told!!. We still must get 4 more of her 8 kittens fixed, now!!

F... cont!

We spoke with Christine Campbell, a investigator regarding this issue. 1-973-394-5115 (case # C-9410567886)

She said it was 4-Legged Friends problem.

not so! 8 kittens, all the expenses, etc... because Dr. Kiesel did not do his job!!

Is this the only female cat that has had kittens after being fixed?

Is the Dr. ripping off the Grant monies to fix these feral cats?

Dr. Kiesel failed to fix the female cat! He lied and still is lying.

We proved our case! His failure is very costly to us.

We love the animals we deal with for over 10 yrs!!

Thanks

File # 827820 / 6/26/17
P.L.S

To:
From: Lee Vorl
Subject: 4-LF

As you know, 4-Legged Friends, Inc. has been working with Best Friends of cats, yourselves and Santa cruz Veterinary Clinic, to trap, Fix, and release the feral cats we catch for almost 3 years.

In a nut shell, sometime around may of 2016, we brought in at least 2 black cats, one male, one female, to be bifed, given their shots, ear tipped, and given back to 4-legged Friends to care for them.

The black female, with the blood coming out of her nose, that you kept for 2 weeks, that we call "Angel" because she survived, has Herpes and so do her kittens!

So, we then brought in the 3 kittens, that this "FIXED" mother had, you checked them out, gave them back to us diseased, with herpes and no medicine!

~~Then~~ That was October 24, 2016 that her 3 kittens were born!

You said something to the effect that she must have gotten pregnant before being spayed by your clinic.

We thought that was strange, but your the doctor.

Then, about 3 weeks ago, this same, spayed, black Kitten we call Angel had 5 kittens under a dresser in a Room!

That is 8 kittens from a Cat you fixed; kept 2 weeks, with blood coming out of her nose, gave her back to us, all sick!

We took the Female kitten that you kept, that had liquid coming out of her nose, and bunny eyes & over to Santa Cruz Veterinary clinic, and Dr. Real "gave" us ERYTHROMYCIN for her herpes situation!

4-Legged Friends is devastated by this Chain of very negative medical events and their consequences, that should not be happening, had you performed your Spaying of her, Angel, mom of 8 Kittens, Correctly!! We are deeply concerned!! Hepper!

4-Legged Friends works with Aymira Holistic Pet Food Company to feed our 4 legged friends.

We require a minimum of $8,500.— for a two year period to care for these 8

kittens that, as I said, should never have been born, especially, possibly ill!

We also request that you fix all 8 kittens, give them an exam, their first shots, trim their ears, and we need the herpes medicine for the mom and all the 8 kittens!!

Also, if their are any future medical complications you will help us at no cost!

I cannot stress what a nightmare it is for us, the kittens and of course the cost of driving them around, heating, etc... all never should have been!

We need immediate action NOW!

The Legged Friends cares for about 30-50 feral cats ~~out~~ ~~are~~ in the

Colony and we hope that none of the other cats or future kittens / cats gets infected!

It takes money to take care of the situation you created for yourself, and 4-Legged Friends!

4-Legged Friends, inc. is a 501 C (3) tax deductible Corporation so a $ 8,500.— donation would help solve the problem, plus what I mentioned.

Also, if you missed this cat, maybe there are others you did not fix properly, also.

If we re-trap any Female fixed cats that happen to have kittens, you will re-fix them free.

Thank you,
Lee Vork Kerr

Edwin Kiesel, DVM
Camino Seco Pet Clinic
8860 East Broadway
Tucson, AZ 85710-4018

RECEIVED
SEP 28 2017
BY:

September 25, 2017

NAME TRACY.RIENDEAU at vetboard.AZ.GOV
Arizona State Veterinary Medical Examining Board
9535 E. Doubletree Ranch Rd., Ste. 100
Scottsdale, AZ 85258

Re: Case No. 18-18

Mr./Ms.

I have received your September 11, 2017 correspondence regarding the complaint filed against me by Lee Vork relating to my treatment of "Angel," a cat brought to Camino Seco Pet Clinic on September 1, 2016. I have enclosed all records requested by the board as well as the following narrative statement regarding my care for this patient.

On August 18, 2016, the patient, a 1-year and 7-month-old female feral domestic medium hair cat, presented to me at Camino Seco Pet Clinic to be spayed. The patient was brought in by the group "Best Friends of Cats." This group traps feral cats and brings them to Camino Seco Pet Clinic to be spayed and then released back to where they came from.

The patient was anesthetized, as she was a feral cat and could not be examined unless anesthetized. Upon examination, the patient had an elevated temperature of 103°, and had bloody discharge coming from her nose. The patient's condition was otherwise normal. Due to the high temperature and bloody discharge from the nose, we elected to wait until the patient was feeling better to perform the procedure. The patient was treated with tobramycin ophthalmic solution 0.3% 5ml and a convenia injection, and was kept in isolation. The plan was to keep the patient in isolation until the nose cleared and the temperature came down.

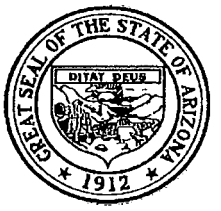
Over the next two weeks, the patient still exhibited the bloody discharge from its nose. On September 1, 2016, the person who brought the patient in to be spayed called. We informed him that we did not spay the patient because of her high temperature and the bloody discharge coming from her nose. He opted to take her home at this point and to keep an eye on her, and stated that he would bring her back to get spayed. I never saw the patient again.

At no time did we ever spay the patient or represent to anyone that we spayed the patient.

Please contact me if you have any additional questions.

Sincerely, E. Kiesel

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Robert Kritsberg, D.V.M. - Chair
Donald Noah, D.V.M.
Adam Almaraz
Amrit Rai, D.V.M.
Tamara Murphy

STAFF PRESENT: Tracy Riendeau, CVT – Investigations
Sunita Krishna, Assistant Attorney General

RE: Case: 18-18
Complainant(s): Lee Vork
Respondent(s): Edwin Kiesel, DVM (License: 1360)

SUMMARY:
Complaint Received at Board Office: 9/8/17
Committee Discussion: 11/7/17
Board IIR: 12/13/17

APPLICABLE STATUTES AND RULES:
Laws as Amended July 2014 (Salmon); Rules as Revised September 2013 (Yellow)

On August 18, 2016, "Angel," a 1.5-year-old female domestic medium hair feral cat was presented to Respondent for an exam and spay procedure. The cat was anesthetized prior to exam due to being feral; upon exam, the cat had an elevated temperature and bloody nasal discharge therefore elected not to spay the cat. The cat was treated with convenia and tobramycin and was kept at the premise to monitor.

Over the next two weeks the cat still had bloody nasal discharge and Complainant elected to take the cat home to monitor. Respondent relayed that the cat was not spayed. Complainant states that he was advised that the cat had been spayed.

Complainant contends Respondent was negligent in the care of the cat.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared with counsel, David Stoll.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Lee Vork*
- Respondent(s) narrative/medical record: *Edwin Kiesel, DVM*
- Consulting veterinarian narrative/medical record: *Santa Cruz Veterinary Clinic*

PROPOSED 'FINDINGS of FACT':

1. On August 18, 2016, the cat was presented to Respondent for an exam, vaccines, ear tip and spay procedure. According to Respondent, the cat was too feral to examine therefore the cat was anesthetized. There is no documentation in the medical record what was used to anesthetize the cat, nor was any monitoring for the duration the cat anesthetized. Upon exam, the cat had a weight = 6.7 pounds, a temperature = 103 degrees, a heart rate = 154bpm and a respiration rate = 30rpm; BP = 154/80. Respondent noted that the cat had thick nasal discharge with blood. Due to the nasal discharge and elevated temperature, Respondent elected to wait until the cat was feeling better before spaying. The cat was administered a convenia injection (amount, strength and route unknown) and treated with tobramycin ophthalmic solution; the cat was kept at the premise in isolation.

2. The medical record reads that the cat was weighed and examined every day, including a temperature, heart rate, respiration rate and blood pressure, as well as being administered tobramycin to the nostrils, despite the cat being feral. Previously, Respondent stated the cat could not be examined unless the cat was anesthetized. Interestingly, the daily documented temperature, pulse, respiration rate and blood pressure did not fluctuate much. The August 20, 2016 entry is stamped that Respondent edited the entry on July 13, 2017.

3. On September 1, 2016, the record reads that Complainant called and was advised that the cat was not spayed that day due to the continued elevated temperature and bloody nasal drainage. Complainant was told that the cat was given an antibiotic injection which would be good for 2 weeks (unclear if this the second antibiotic injection the cat received). Complainant elected to take the cat home to monitor and bring back to be spayed. According to Complainant, he was advised that the cat was spayed.

4. It is not clear if the cat was vaccinated or if the ear was tipped at this time.

5. On October 26, 2016, according to Complainant, the cat gave birth to 3 kittens. He called Respondent and was advised that the cat must have been pregnant prior to being spayed.

6. Complainant stated the cat had another litter of kittens in October 2017.

7. On August 31, 2017, the cat was presented to Santa Cruz Veterinary Hospital for an exam. Complainant explained that the cat was brought to Respondent's premise to be spayed, but the cat had kittens. The medical record lists the cat as a 1-year-old female domestic short hair cat.

8. Medical record reads that the cat could not be examined due to being feral therefore the

cat was anesthetized. It was noted that the cat had a flank scar and the left ear was tipped; the abdomen was distended. Surgical notes read that the right ovary was scarred down and was bluntly dissected out. The right kidney appeared normal. The right ovary was removed and the abdomen was closed.

COMMITTEE DISCUSSION:

The Committee discussed that there were medical record keeping issues. The surgery that was going to occur was documented on September 1, 2016 and was supposed to have been documented on August 18, 2016.

The Committee discussed that the cat's ear was tipped, had a flank incision and an ovarian scar when presented to Santa Cruz. Respondent claims he did not spay the cat therefore he did not tip the ear. The Committee could not establish whether or not this was the same cat Respondent had at his premise; however a flank spay approach is not common. Complainant says he was told the cat was spayed upon discharge.

Respondent performs numerous surgeries on feral cats and they are hard to identify; Respondent needs to be more detailed in his record keeping so these situation do not occur and he has proof he did or did not spay an animal. Additionally, the Committee questioned the validity of the medical records --- it was documented that a feral cat had its temperature and blood pressure taken daily as well as nasal drops administered.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that possible violations of the *Veterinary Practice Act* occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

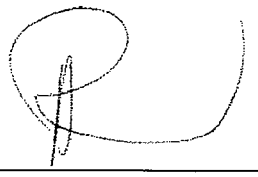
Motion: It was moved and seconded the Board find:

ARS § 32-2232 (21) failure to maintain adequate medical records of veterinary services provided as demonstrated by information being documented under the wrong date; the services provided on August 18, 2016 were documented that they occurred on September 1, 2016.

ARS § 32-2232 (21) as it relates to AAC R3-11-502 (L) (7) (b) and (d) failure to document in the medical record the amount and route of administration of the convenia administered to the cat on August 18, 2016.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.



Tracy A. Riendeau, CVT
Investigative Division